

State of California  
Regional Water Quality Control Board  
San Diego Region

EXECUTIVE OFFICER SUMMARY REPORT  
November 9, 2005

ITEM: 10

SUBJECT: Section 401 Water Quality Certification: Greystone Homes, Sky Ranch project in Santee, San Diego County. (*Michael Porter*)

PURPOSE: To issue a Clean Water Act section 401 Water Quality Certification and Waiver of Waste Discharge Requirements for the Sky Ranch residential development.

PUBLIC NOTICE: In accordance with requiring a minimum 21-day public notice prior to taking an action, the public was notified of tentative Certification No. 04C-127 on the Regional Board website dated October 21, 2004.

DISCUSSION: The Regional Board received an application for Water Quality Certification and Waste Discharge Requirements on October 14, 2004 from Greystone Homes for the proposed filling of ephemeral streams located within the proposed Sky Ranch residential development. The Sky Ranch residential development includes housing, roads, and related infrastructure features including a public park.

The project will result in the discharge of waste, defined as the placement of fill material (e.g., soil, riprap, culverts), into 0.14 acre of non-wetland waters (upland, ephemeral streams) of the United States and State. The proposed mitigation for the project will restore and create 0.42 acres of waters of the U.S. and State, consisting of riparian scrub, adjacent to and within the floodplain of the San Diego River, Santee.

During the September 14, 2005 Regional Board meeting, the Regional Board received oral and written comments (Attachment No. 2) from the Center for Biologic Diversity and Preserve Wild Santee urging the Regional Board to deny Water Quality Certification. The commentors

claimed that adequate avoidance of water resources did not occur and that mitigation proposed for the unavoidable impacts was inadequate. In response to concerns raised during the public forum at the September 14, 2005 Regional Board meeting, the Regional Board expressed willingness to consider the issuance of the Water Quality Certification at a regularly scheduled Regional Board meeting.

In response to the comments received on September 14, 2005, the Regional Board met with Greystones Homes, Lennar on September 16, 2005. During that meeting, Greystone Homes, Lennar agreed to additional mitigation and additional structural BMPs.

On September 23, 2005, the Regional Board received an Amended Application for Water Quality Certification from Greystone Homes proposing additional mitigation (now totaling a 3:1 ratio, or 0.42 acre). The amendment also offered additional structural post-construction storm water BMP as two (2) vegetated water quality detention basins.

Enclosed is tentative Water Quality Certification 04C-127. The Water Quality Certification contains conditions which 1.) require compliance with the State-wide Storm Water Construction Permit, 2.) require post-construction Best Management Practices to cleanup storm water and non-storm water urban runoff, 3.) require compensatory mitigation for unavoidable impacts to waters of the U.S. and State, 4.) requires regular monitoring and reporting until certain milestones are reached, and 5.) require new owners to accept and comply with the Water Quality Certification.

Waste Discharge Requirements can be waived when a project is certified for water quality, provided the project meets the Regional Board's Waste Discharge Requirements Waiver Policy.

**KEY ISSUES:**

Approval of this tentative Water Quality Certification and Waiver of Waste Discharge Requirements will mitigate for proposed impacts to water quality and beneficial uses caused by the Sky Ranch residential development.

**LEGAL CONCERNS:**

None.

**SUPPORTING  
DOCUMENTS:**

1. Tentative Water Quality Certification 04C-127 and Waiver of Waste Discharge Requirements: Greystone Homes, Sky Ranch project in Santee, San Diego County.
2. Joint letter of comment from Center for Biological Diversity and Preserve Wild Santee.
3. Regional Board Resolution No. 2005-273.

**COMPLIANCE RECORD:** None.

**RECOMMENDATION:** Adoption of tentative Resolution No. R9-2005-273, which would result in the issuance of a technically conditioned 401 certification for the Sky Ranch Project is recommended